

City Council
City of Palos Verdes Estates
340 Palos Verdes Drive West
Palos Verdes Estates, CA 90274

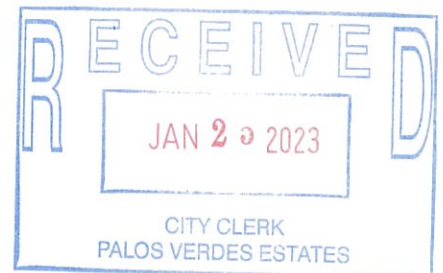
Dear Council Members:

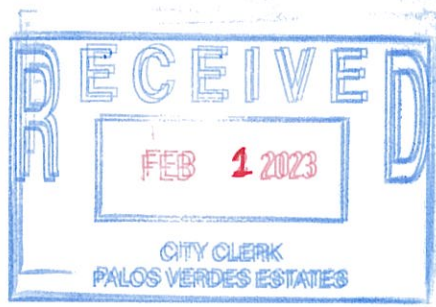
As a continuous homeowner resident in this City since 1982, I want to add my support to the preservation of the La Venti Inn. I believe La Venti Inn is an iconic part of this City, in the same way as are the fountain, library and plaza adjacent to the City Hall. I suggest that, provided safety and fire guidelines are satisfied, the city do whatever it can to preserve this historic part of our City and work with La Venta Inn to accomplish that continued presence. With the admirable spirit of volunteerism shown by many of our officials, the City of Palos Verdes Estate continues to be a class act.

Thank you,



Dr. Harold Cozen
1600 Cataluna Place
Palos Verdes Estates, CA 90274





1409 Via Gabriel
Palos Verdes Estates, CA 90274
January 31, 2023

City Council
City of Palos Verdes Estates
340 Palos Verdes Drive West
Palos Verdes Estates, CA 90274

Dear Mayor Roos, Mayor Pro Tem Murdock, Council Members Kemps, Lozzi, and McGowan,

First of all, I would like to express my gratitude for the time spent and effort made by the ad hoc committee in forming the basis for the proposed zone text amendment (ZTA). It is obvious that much time was spent to understand the issues and work toward a solution that would keep La Venta Inn's current business running with boundaries that may satisfy its neighbors in an R-1 neighborhood. It would be wise for all those who provide input on the matter to take the time to do their homework as the ad hoc committee has done.

Interestingly, the owners of La Venta Inn view its terms as "draconian," as in their minds, they have been able to operate La Venta Inn without limits and at the expense of their neighbors for the past few decades. This has been the problem that they have created and yet they still will not compromise. They state that they are not asking for expanded use, but that is exactly what they are demanding and would get because the proposed ZTA goes beyond the current existing code. That being stated, I strongly encourage you to reject the proposed ZTA as it would irrevocably benefit the select few owners of La Venta Inn, their tenant-partner, Made by Meg, and future tenant-partners at the expense of La Venta Inn's neighbors, all PVE property taxpayers, and the City of Palos Verdes Estates itself. Instead, I encourage you to set forth the eventual terms in a conditional use permit (CUP) so that the city is able to continue it, adjust it, or revoke it based on the behavior of La Venta Inn's operations.

There can be no misinterpretation of the existing code: "The La Venta Inn, located on lots 4 and 6, block 1536, tract 6884, may be used for hotel and restaurant purposes within the existing building only. (§18.20.010.)" Yet, the city and its police department have failed to enforce this code not just within the past two years but within the past three decades. Unfortunately, this negligence has created a false sense of entitlement for the owners of La Venta Inn and a belief that La Venta Inn can operate outside the codes to the detriment of its neighbors. We can all agree that just because someone has gotten away with a crime does not make that crime acceptable. Plainly, the city's inaction has created a liability for the city and its tax-paying residents. Moving forward, there must be a comprehensive documentation of complaints and enforcement. Otherwise, there is no point in having codes or laws.

Within the past decade, neighbors of 605 Paseo Del Mar complained of the noise caused by that property being used in a similar fashion as La Venta Inn. To shut down those operations, John Cotti, the PVE city attorney at the time wrote, "Reasonable persons would view the incessant hosting of large-scale social events for a fee in the middle of a quiet residential neighborhood as unreasonable due to the large-scale negative impacts suffered by the neighborhood for the sole benefit of the Defendants." This same

statement could be used to describe La Venta Inn's current business. To add to this, the city imposed a ban in 2019 on "Short-term or vacation rentals" defined as "any event or gathering including but not limited to weddings, banquets, and parties (§17.08.378). What is the reasoning to excuse La Venta Inn's business while prosecuting others? Bias and lack of inconsistency open the door to legal problems.

In addition, it is quite alarming to understand that the city would actually be the applicant for a ZTA (a.k.a. spot-zoning) in an attempt to legalize the same type of nuisance caused by operations at La Venta Inn. Since the operator first inquired about clarifying (in essence, changing) the existing code, should not the operator be the applicant? What is the justification for the same PVE city attorney to write a draft for a ZTA that essentially is the diametric opposite of the action that he took on behalf of the city against operations at 605 Paseo Del Mar? This alone should require a thorough investigation as to why the appropriate protocols have not been followed and a prompt return to following them. These inconsistencies not only show inequity and favoritism but imprudence as the city would assume the costs and liability that should be borne by the true applicants – the owners and operator of La Venta Inn.

All residents must then ask, "What is to stop the city from spot-zoning, a practice recognized as an abuse of zoning power, for another property owner?" This uncomfortably brings to mind the rezoning that occurred for parklands that were illegally sold to a Via Panorama property owner a few years ago, the resulting lawsuit that led to a reversal of that action, and the depletion of the Palos Verdes Homeowners Association assets in losing that lawsuit. Does the city really want to replicate that fiasco? This proposed ZTA would essentially transfer property value from the neighbors of La Venta Inn to the owners of La Venta Inn. Simultaneously, it would weaken the 2019 code banning short-term and vacation rentals and thus open the door to many other property owners who wish to monetize their homes by renting them for weddings and events. Instead of one or two lawsuits now, consider dealing with multiple lawsuits as a consequence of this action. Consider what losing these lawsuits would entail for the city's bottom line and the greater community.

In reality, the financial benefits are far too low and the financial risks are far too high to justify changing the zoning for the lots that make up La Venta Inn. Just one neighbor out of the dozens affected by La Venta's operations contributes more to the city in annual property taxes than the owners and operator combined pay in property taxes and revenue, which was about \$12,600 in 2022. Why would the city assume liability (for transferring property value) that could easily be in the millions in exchange for that negligible amount and not actually represent the residents that it is supposed to represent?

One of the owners has stated on social media that La Venta Inn needs more revenue in order to stay in business but is unwilling to share what that number is. Even a charity that solicits donations will usually provide financial data to support its mission and justify donations. However, La Venta Inn is a commercial business. Since when is it incumbent upon the city to make sure that businesses within the city limits prosper? While the community can care about the buildings and the property as part of the historical record, that is not what is being debated. It is the behavior that occurs at that property that is the issue. If the owners and operator are truly confident that their operations will not be a nuisance to the neighborhood, they should indemnify the city. Simply put, liability insurance should be part of the costs of running their business. We, as a community and as a city, should not be involved or be placed in jeopardy for their actions. If their existing business requires more but cannot operate within the existing

code and within reason, that is telling. They should do what other organizations have done throughout history – explore options and either pivot or adapt.

You are probably receiving numerous brief comments and form letters from people who support La Venta Inn's continued and expanded operations. Unfortunately, many of these people have little to no understanding of the factors and consequences of allowing La Venta Inn to expand its operations and are making pleas based on nostalgia and pure emotion. Many of them just cut and paste wording without understanding the implications of what they are writing. Some do not even sign their letters and even leave “[PLS ADD YOUR NAME, CITY & ZIP]” in emails submitted. That lack of attention clearly shows that they have not made the investment in the time necessary to fully understand the issues.

Some have been misled to think that La Venta Inn will be torn down if it is not allowed to continue and expand its operations. They may mistakenly think that it could be converted to high-density housing. Some, perhaps many, of these people do not have any skin in the game as they neither live in Palos Verdes Estates nor pay taxes to the city. Some of these people, if they do reside in Palos Verdes Estates, are under the false impression that the city receives sufficient revenue from La Venta Inn to justify the assumption of liability. Sadly, many of these people could not fathom living near a property that disturbs their peace on a regular basis (e.g., possibly 361 days per year) but are uncharitably fine with letting that happen to their neighbors.

While many of these people have minimal understanding of the entire situation and are making pleas based on emotion, it is up to you on behalf of the city to make a wise decision based on reason and facts. It is up to you to remember who the city represents, its tax-paying residents who should have the assurance of living in a residential neighborhood based on existing code, versus one commercial enterprise that has historically overstepped the boundaries of that neighborhood. It is up to you to ensure that complaints are recorded and not dismissed and that whatever code is in place is enforced equally and correctly by the City of Palos Verdes Estates and its police force.

Instead of a zone text amendment, I strongly recommend that the city take an interim step such as a CUP that can test whether La Venta Inn's ownership and operator can abide by its rules. Under no circumstances should the city implement a ZTA and inadvertently accept liability for the actions of La Venta Inn's operations. The City of Palos Verdes Estates and its police department must apply and enforce the codes and laws of the city consistently and fairly. This will give the city the ability to see what worked and what did not work and take the appropriate next steps. This will give residents confidence that the city is working prudently, reducing its liability exposure, and in the best interests of those it is pledged to represent.

Sincerely,



Stacey Nozaki

Honorable City Council
City of Palos Verdes Estates



February 7, 2023

Subject: Just Imagine: Life without La Venta

Most community members, and most who have weighed in regarding La Venta Inn, favor maintaining the current operating conditions substantially unchanged. Those who have spoken in favor of imposing strong limits on operating hours, noise levels, and number of attendees seem to be striving to restore more serenity to the neighborhood. Traditional zoning and neighborhood compatibility standards are now proving to be obsolete and unenforceable in the face of statutes already imposed on all cities by the State of California. Rolling back six decades of historical La Venta operating conditions and restoring serenity that has not existed since the 1940s would be more consistent with the last century when redevelopment was strictly guided by zoning laws and neighborhood compatibility. In the 21st Century, we live with new California statutes that override local control and make zoning restrictions- and even the best intentions of our City Council- unenforceable. In dealing with La Venta as a community, we need to limit our restrictions to enable a viable business to continue operating there because the alternative is truly horrible to contemplate.

The La Venta parcel comprises three lots totaling more than 128,000 square feet- nearly three acres. If the property changes hands, new owners will seek to maximize the return on their considerable investment by maximally redeveloping the property through any of the alternatives that they are legally entitled to pursue under recent statutes. What are the legal options open to a profit-incentivized redeveloper?

One novel aspect of recent legislation is that many of the “discretionary” aspects of redevelopment previously controlled by a City Council or Planning Commission have been converted to “ministerial” actions that are to be processed directly and almost automatically by Planning and Building Departments within a city, without regard for many pre-existing code restrictions on issues like parking and setbacks. Key provisions were elevated to statutory law by Senate Bill 9 in 2021. SB9 enables “automatic” entitlement to split existing residential lots into two residential lots, as explained from a legal perspective at:

<https://roseman.law/sb-9-and-the-dangers-of-lot-splitting/> and

<https://www.hklaw.com/en/insights/publications/2021/09/ca-gov-signs-landmark-duplex-and-lot-split-legislation-into-law>

Accordingly, the three lots comprising La Venta are entitled to become six and PVE City regulators have little-to-no control over the process.

The articles also confirm that each of the new lots is entitled to ministerial approval of both a new home and a second smaller residence, an Auxiliary Dwelling Unit (ADU), on each lot. The six new lots now become 12 new residences. Given the massive area occupied by La Venta, each of these 12

new homes would still average over 10,000 square feet of land area, just as large as most of the existing lots up and down Via del Monte.

If this scenario sounds alarmist or unrealistic, consider another scenario taken directly from the local news last month in Manhattan Beach:

<https://easyreadernews.com/city-council-project-verandas-is-reconsidered-and-approved/>

To summarize, the Manhattan Beach City Council took a strong stand last year by rejecting a proposal to develop the corner of Rosecrans and Highland into 79 units because it was not consistent with local zoning and building restrictions and would not be compatible with the neighborhood. In response, the developer sued the City for \$52 million dollars for violations of SB 9 and other recent statutes. Last month, the City Council, based on legal advice and despite broad opposition from residents across their city, grudgingly reversed their decision and approved the proposed development. In part, the City determined their hands were tied legally because the developer incorporated six “affordable” units within the total of 79 units they are building which qualified the project for streamlined ministerial approval of the permits. All of this is occurring on a lot that is 44,300 square feet in size, while the land area included in the La Venta parcel is nearly three times larger. Manhattan Beach is a larger city than PVE, with a population more than double our size, a substantial commercial tax base and extensive resources available to combat legal threats- and yet they felt compelled to concede this issue *when seriously confronted on the classic health and safety issues that underpin zoning restrictions*. They felt vulnerable to a potential \$52 million dollar liability and that amount represents an even greater threat here- twice the entire annual budget for PVE.

Unhappily, the Manhattan Beach lawsuit is not unique. The tactic, now widely known as the “Builders Remedy” has spawned multiple advocacy groups such as Californians for Home Ownership, YIMBY Law, and the California Renters Legal Advocacy and Education Fund (CaRLA). Statutes have endowed these groups with legal standing and they have filed dozens of highly effective suits locally and across the State. Right next door in Redondo Beach, the current owner of the AES powerplant located on the beach has filed such a suit to compel ministerial approval, bypassing city authorities, to obtain permits for his proposed 2700-unit redevelopment. (Yes 2700 units-, not a typo) See a recent description of this legal battle in progress at:

<https://therealdeal.com/la/2023/02/07/meet-the-developer-giving-california-nimbys-nightmares/>

These very real concerns lead me to conclude that PVE should take all reasonable steps to support the operators of La Venta Inn and facilitate their continued operation as a viable business. The alternatives threaten our lifestyle and the financial security of our entire City. Those who seek to impose onerous conditions need to be careful what they are asking for. Very careful!

Sincerely,



Gene Rogers, homeowner
556 Via del Monte

February 1, 2023

Palos Verdes Estates City Council
Palos Verdes Drive West
Palos Verdes Estates, Ca 90274



Honorable Mayor Roos and Members of the City Council:

La Venta Inn, which was constructed in 1923, was designed by renowned architect Walter Davis In the Spanish Colonial style and is an iconic symbol of Palos Verdes.

In the 100 years of its existence the Inn has hosted thousands of social events where people would gather in in its courtyards and verandahs to enjoy the spectacular views of the Los Angeles basin from the sea to the distant mountains (my own wedding reception was hosted there in 1968).

Now the Inn appears to be in jeopardy. Proposals by the City Council would limit the number of events which could be held at the Inn. Also seating capacity would be limited for events. These proposals would make it economically unfeasible for the Inn to continue to operate and would put it out of business.

Currently events held at the Inn comply with County fire Marshall safety requirements. Also events do not impact neighbors' privacy or quietude.

So why is this being done? Allegedly the City operates for the benefit of its citizens. But the proposal would have the opposite effect. If La Venta Inn closes and is boarded up, it will fall into disrepair and decay and we will have lost an old friend.

Please do not do this. Please reconsider your proposals.

Certainly further public hearings in person in Council Chambers are in order before any actions are taken.

Sincerely,


George Sweeney